

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**  
at Santa Fe, NM

JAN 22 2003

ROBERT M. MARCH, Clerk  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Canjilon Creek, Section 3

Subfile No.: CHCJ-004-0004

**CONSENT ORDER**

The Court, having considered the agreement between the Plaintiff State of New Mexico  
and Defendant(s):

**LEOPOLDO LEYBA**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,  
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Canjilon Creek, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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DEC 16 2002

OFFICE OF THE STATE ENGINEER  
LEGAL SERVICES DIVISION

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Canjilon Creek, Section 3, is set forth below:

**A. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** 0611

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** BRAZITO DITCH

**Location X:** 1,592,250 feet **Y:** 2,001,395 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 17, Township 26N, Range 05E, N.M.P.M.

Pt. SW $\frac{1}{4}$  3.3 acres

Total 3.3 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-004-0004

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

**B. IRRIGATED LANDS (Surface Water Only):**

**Office of the State Engineer Files No(s)** 0611

**Priority:** Reserved for future determination by court order entered July 25, 2000.

**Source of Water:** Surface Waters of the Canjilon Creek, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch Name:** EL LLANO DITCH

**Location X:** 1,593,223 feet **Y:** 2,003,235 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Section 19, Township 26N, Range 05E, N.M.P.M.

Pt. NE¼	19.0 acres
Total	19.0 acres

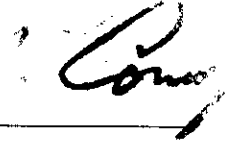
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCJ-004-0004

**Amount of Water:** Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Canjilon Creek, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Canjilon Creek, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Canjilon Creek, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Rubin  
SPECIAL MASTER

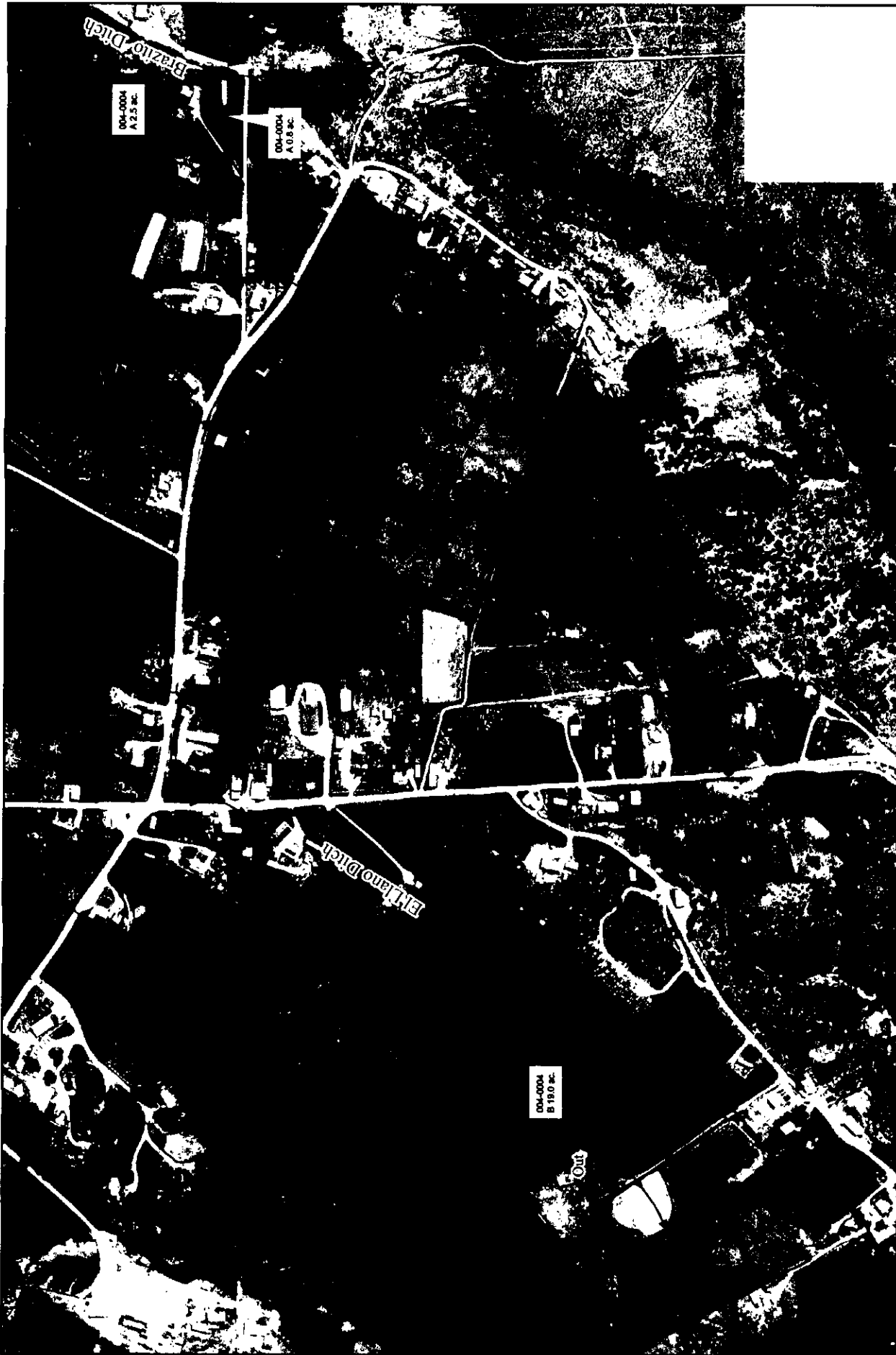
ACCEPTED: Leopoldo Leyba  
LEOPOLDO LEYBA

ADDRESS: PO Box 533  
Canjilon, NM  
87515

DATE: 11/25/02

Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General

12-16-02  
Date



<p><b>STATE OF NEW MEXICO</b>  <b>Office of the State Engineer</b>  <b>Thomas C. Turney, State Engineer</b></p>		<p>Subfile Number  <b>CHCJ 004-0004</b>          Brazito &amp; El Llano          Ditches  <b>AMENDED</b>          October 31, 2002</p>																								
<p><b>Rio Chama Hydrographic Survey</b>  <b>Canjilon Creek Section</b></p>																										
<p><b>LEGEND</b></p> <table border="0"> <tr> <td></td> <td>Irrigated Tract Boundary</td> <td></td> <td>Point of Diversion</td> </tr> <tr> <td></td> <td>No Right Tract Boundary</td> <td></td> <td>Well</td> </tr> <tr> <td></td> <td>Seeped Area</td> <td></td> <td>Spring</td> </tr> <tr> <td></td> <td>Operable Ditch</td> <td></td> <td>Fallow</td> </tr> <tr> <td></td> <td>Inoperable Ditch</td> <td></td> <td>No Right</td> </tr> <tr> <td></td> <td>Stock Ponds / Reservoir</td> <td></td> <td></td> </tr> </table>				Irrigated Tract Boundary		Point of Diversion		No Right Tract Boundary		Well		Seeped Area		Spring		Operable Ditch		Fallow		Inoperable Ditch		No Right		Stock Ponds / Reservoir		
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<p></p> <p>1 inch = 500 feet          0 125 250 500 Feet</p>																										